

SOUTH CAROLINA STATE CONSTABLES
POLICIES AND PROCEDURES
GROUP III

The following policy is effective January 1, 2005.

State constables are appointed by the Governor of South Carolina. Pursuant to authority of Executive Orders 90-08 and 99-18, the chief of the South Carolina Law Enforcement Division (SLED) advises the Governor concerning this program, establishes training requirements, sets standards for conduct, prescribes limits on the use of authority, determines suitability and fitness of applicants and enforces governing policies.

In order to ensure the uniform provision of professional law enforcement services and conduct by state constables statewide, ensure compliance with federal and state laws governing law enforcement conduct, and to better serve law enforcement and the public, the policies contained herein must be observed by all state constables. Violation of any policy, requirement or standard contained herein is grounds for denial, suspension or revocation of a state constable commission. Nothing in these policies negates or supersedes the authority of federal or state law nor the powers granted the Governor of South Carolina and the chief of SLED.

This program is not intended, and may not be used, to supplant law enforcement reserve units organized under Chapter 28, Title 23, S. C. Code of Laws.

SECTION I: ELIGIBILITY

To fully enable the state constable program to provide maximum service to citizens through state and local agencies, the following standards are established governing issuance of Group III state constable commissions:

The Group III state constable commission is available to qualified citizens who request such commissions for the purpose of assisting named law enforcement agencies, to employees of financial institutions whose primary job duties include investigation of criminal offenses and who have a need for inter-county authority, and to employees of utility companies deemed by the chief of SLED to be essential to public safety and security and who have a job-related need for inter-county law enforcement authority and whose primary duties include the security of utility company property and services.

Commissioning as a state constable confers certain law enforcement authority and responsibilities upon the state constable and enables the state constable to participate in highly visible and significant law enforcement activities with full-time on-duty certified police officers.

Public trust, public safety and accountability by law enforcement agencies demand that persons commissioned as state constables be of good character and reputation and have no significant criminal record or other unsuitable background. For those reasons, the following qualifications are established for commissioning as state constables.

A. SLED may approve an application for commissioning of a person who:

- 1) submits a complete application package as required by SLED, and
- 2) submits a high school diploma or equivalency certificate recognized and accepted by the South Carolina Department of Education, and
- 3) submits evidence satisfactory to SLED of physical fitness to fulfill the duties of a law enforcement officer, and
- 4) submits evidence satisfactory to SLED that the applicant has not been convicted of any criminal offense that carries a sentence of one year or more or of any criminal offense that involves moral turpitude. Forfeiture of bond, a guilty plea, or a plea of nolo contendere is considered the equivalent of a conviction.
- 5) submits evidence satisfactory to SLED that the candidate is a person of good character, including, but not limited to:
 - a. conduct of a background investigation by SLED
 - b. possession of a currently valid South Carolina Driver's License with no record during the previous five years for suspension as a result of driving under the influence of alcohol or other drugs, driving while impaired, reckless homicide, involuntary manslaughter, or leaving the scene of an accident.
- 6) resides full-time in this state
- 7) is a United States citizen
- 8) is at least twenty-one years of age
- 10) is a registered voter in this state
- 11) demonstrates, as might be required by SLED, intent to comply with the standards detailed herein

12) has successfully completed and documented to SLED the State Constable Basic Training course at a South Carolina Technical Education College

13) has demonstrated substantive and credible intent to use the commission to assist law enforcement agencies.

B. In its determination of favorable character and background, SLED will give consideration to all law violations, including traffic and conservation law violations as possible indicators of a lack of sufficiently good character. SLED will also give consideration to the candidate's prior history, if any, of alcohol and drug abuse in arriving at a determination of good character. SLED may deny an application for commissioning by a person who has a background that is, for purposes of this program, unfavorable. In addition to the circumstances detailed above, "unfavorable background" means the applicant has a criminal record or other background circumstances that are, for purposes of this program, significant. In addition to circumstances detailed above, "significant record" means the applicant:

1) has been convicted of a significant number of traffic offenses or other misdemeanors so as to demonstrate a willful and continuing disregard for law, poor judgement or carelessness, or

2) is under indictment for a crime, or

3) has a pending criminal charge, or

4) is an unlawful or excessive user of, or addicted to alcohol, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance, or

5) has been convicted of a crime of violence (§16-23-10) or violent crime (§16-1-60), or

6) has been convicted of an offense classifiable as criminal domestic violence, or

7) has committed acts of violence or harassment, or made verbal or physical threats of violence toward another person, whether or not charged or convicted of a crime in connection with the acts, or

8) is subject to a court order that restrains the applicant from harassing, stalking, or threatening another, or

9) has been committed to a mental institution or diagnosed as mentally ill or with a mental or psychological condition which would be inconsistent with serving as a law enforcement officer, or

10) has been discharged from the armed forces with other than an honorable discharge or honorable retirement, or

11) is a member of a group, committee, club, league, society, association or combination of individuals whose purpose is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing, or

12) has been adjudged unfit to carry or possess a handgun by order of a circuit judge, or

13) submits an application containing false, misleading or incomplete information, or

14) receives a negative recommendation of a physician or mental health counselor, or

15) has been dismissed or terminated from a law enforcement agency for cause, or

16) receives a substantiated material negative recommendation from a law enforcement officer, or

17) is prohibited by law from possessing a firearm.

SECTION II: TRAINING

A. SLED-approved basic training for Group III state constables consists of the State Constable Basic Training School conducted by S. C. Technical Education Colleges.

B. Applicants for state constable commissions may make application, register or make reservations to attend the State Constable Basic Training School, but may not attend training until written SLED approval is received by applicant and the Technical Education College.

C. Group III state constable commissions will not be issued until the Technical Education College has certified in writing to SLED the applicant's successful completion of the State Constable Basic Training School.

D. Constables must complete SLED-approved annual in-service training each year. Such training for state constables consists of training specifically approved in advance by SLED. Approved training may be provided by a Technical Education College, the S. C. Department of Public Safety Criminal Justice Academy (CJA), law enforcement instructors certified by the CJA, or other providers specifically approved by SLED.

E. Each constable is responsible for providing documentation to SLED of successful completion of annual in-service training. Such documentation must be received by SLED before July 1 of each year. The commission of a constable who fails to ensure receipt by SLED of the required

documentation, by July 1 of each year, is automatically suspended, effective at 12:01 AM July 2 of the relevant year, and the commission will be immediately revoked.

F. No constable will be permitted to take NCIC training without written approval by the Chief of SLED.

SECTION III: CONDUCT

A. State constable commissions, except as outlined herein, may be used only for the purpose for which they are issued.

B. State constables may not be concurrently commissioned as police reserve officers or hold any other commission or registration which confers law enforcement authority.

C. State constables are authorized to carry firearms only after successful completion and documentation to SLED of a SLED-approved firearms qualification course.

D. Group III state constables may not, except as specifically authorized by the chief of SLED, utilize commissions in their employment or in any private endeavor, or to make a profit, or for personal gain, or to collect debts.

E. State constables may not hold ownership of or be employed by a private security or private investigation business licensed by SLED and may not perform private security or private investigation work.

F. State constables may not use or disseminate on a personal or private basis any privileged information available to them as a result of their position as a state constable.

G. State constables must at all times present themselves in a professional manner and conduct themselves in such a way as to not bring discredit upon the commission, the Governor, SLED, or the State of South Carolina.

H. A state constable must report to SLED, within forty-eight (48) hours, his or her arrest for any offense other than a minor traffic violation. The commission of a state constable charged with or convicted of committing any criminal offense is subject to suspension or revocation.

I. The commission of a state constable who misuses or abuses his authority or uses authority in a manner not specifically authorized by this policy is subject to suspension or revocation.

J. State constables must, in all activities, comply with federal and state laws and regulations governing actions of law enforcement officers.

K. State constables are required to conduct all activities in accordance with requirements and guidelines governing state constables set forth in state law, by the S. C. Law Enforcement Training Council and all policies established by SLED. Violation of any policy herein is cause for suspension or revocation of a state constable commission.

L. Group III state constables must report to SLED, within forty-eight (48) hours, any use of law enforcement authority or actions performed while not performing work pre-approved by SLED.

M. A state constable must, immediately upon notification of suspension or revocation, return his commission certificate and identification card to SLED.

N. Group III state constables must file, on a form approved by SLED, a quarterly report of all activity performed as a law enforcement officer (§23-1-80, S. C. Code) or any other use of authority involving their commission. Quarters end on March 31, June 30, September 30 and December 31 of each year. Quarterly reports are due within thirty (30) days of the end of each quarter. Group III state constables must file timely quarterly reports by submitting same to the SLED Regulatory Services Unit. A state constable who performs no law enforcement activity during a quarter is exempt from filing a report for that quarter. Failure to file a quarterly report constitutes an affirmative statement to SLED that no reportable activity was performed by the constable during the quarter.

SECTION IV: RESTRICTIONS

A. Group III constables are prohibited from exercising law enforcement authority except in the following circumstances. Constables performing any law enforcement activity while not affirmatively covered by a law enforcement agency do not have worker's compensation or tort liability insurance coverage and are solely and individually liable and responsible for injuries and damages to themselves and for torts committed against others. Group III constables are not required or expected to independently intervene in law enforcement situations and should undertake only those actions that may be performed by members of the general public. If encountering a situation meeting the criteria for *imminent and urgent* circumstances, described below, and intervention is reasonably, clearly and unmistakably necessary to preserve life or protect public safety, and such intervention may be prudently and safely conducted, Group III state constables may exercise law enforcement authority in the circumstances and manner described below. Determination as to whether circumstances meet the standard as *imminent and urgent* are determined by what, given the totality of

the circumstances, a reasonable and prudent person with law enforcement training would believe at the time.

1. An imminent and urgent and continuing threat to public safety:

a. Constables are required and expected to (i) notify the appropriate local law enforcement agency by the fastest means available, (ii) record appropriate information to assist law enforcement responders, (iii) maintain appropriate surveillance until arrival of on-duty law enforcement personnel and (iv) furnish appropriate and necessary information and requested assistance to aid law enforcement personnel in resolving or investigating the situation. A *continuing threat* is one that, without intervention, will result in imminent and urgent danger to public safety that will continue beyond the initial event.

b. Personal and physical intervention in such an event is not required or expected and may be undertaken only when reasonably and demonstrably necessary to preserve life.

c. Except as necessary to preserve life, state constables should take only such actions as might be undertaken by a member of the public.

d. State constables should perform, under the authority of their commission, only those functions for which they have received approved training.

2. An imminent and urgent need for assistance by a police officer:

a. Constables are required and expected to notify the appropriate local law enforcement agency by the fastest means available.

b. Constables may take such immediate, reasonable, appropriate and prudent action as is necessary to mitigate the threat to an officer who is in obvious and imminent danger or obvious and urgent need of assistance. Such actions must be in compliance with the training taken by the constable and in compliance with law governing law enforcement actions.

3. Assistance to a law enforcement agency with advance written approval by SLED and when specifically approved by the law enforcement agency head or designee; and

4. as otherwise specifically approved by the chief of SLED.

B. Except when assisting a law enforcement agency as specifically approved by SLED, Group III state constables are prohibited from interceding in traffic violations unless clear, compelling and articulable circumstances, as described in (A)(1) or (A)(2), above, are present.

C. Except as specifically authorized by the chief of SLED, Group III state constables are prohibited from issuing summons tickets.

D. Group III state constables assisting law enforcement agencies with routine foot and vehicle patrol activities after written approval is granted by SLED are subject to the following requirements:

1. Routine patrol activities:

a. The constable must at all times be *in the company of* a full time, on-duty, certified law enforcement officer in the certified officer's agency jurisdiction. *In the company of* means *within sight and normal conversational voice range, except while temporarily separated due to unforeseen circumstances during a service call or incident and when such separation is necessary for effective handling of the incident or to ensure officer or public safety.*

b. The constable must remain in compliance at all times with all other requirements of this policy.

2. Special events:

a. *Special event* means *festivals, fairs, parades or other scheduled events of limited duration or emergency or critical incidents.*

b. The constable must at all times be *in proximate contact* with a full time on-duty certified law enforcement officer in the certified officer's agency jurisdiction. *Proximate contact* means *within sight and/or radio contact with a certified on-duty officer who is in position to respond immediately to the constable's location.* Such assignments include, but are not limited to, direction of traffic at a fixed point, directing drivers to parking spaces, standing and walking posts on parade routes and standing and walking posts at pageants, fairs, festivals, entertainment shows and other special events of limited duration, or other approved locations.

E. Constables are authorized to participate in law enforcement agency activities only when certification is on file at SLED documenting tort liability insurance coverage and worker's compensation coverage provided by the agency receiving the assistance, except under emergency circumstances as listed in Section A, above.

F. State constables are authorized to perform only those functions for which they have received SLED-approved training.

G. When performing activities approved by SLED, the constable's territorial jurisdiction is limited to that of the officer accompanying the constable.

H. State constables may not perform undercover work or make undercover purchases except as specifically authorized by SLED.

I. Group III state constables may not accept payment for services. Constables may accept reimbursement for out-of-pocket expenses only when working SLED-approved assignments.

J. Persons wishing to donate cash or other items of value to assist Group III state constables with purchasing equipment may make such donations to a recognized association of constables. Such cash or other items of value may be distributed by the association to its members or other constables. Constables may not personally accept such donations.

SECTION V: EQUIPMENT

A. State constables may not possess a blue light or siren in or on a personal vehicle or conveyance of any kind.

B. State constables may not, except as authorized by, and while accompanied by, an on-duty law enforcement officer during SLED-approved assistance to a law enforcement agency, operate a vehicle of any kind equipped with a visible blue light.

C. State constables may not operate a personal vehicle equipped with flashing or moving lights of any kind or other devices or insignia that might convey the impression to the public or law enforcement officers that the vehicle is an official law enforcement or emergency vehicle.

D. State constables may not use badges, insignia, indicia or credentials, or make statements or representations that convey the impression of employment by SLED or any other law enforcement agency.

E. Group III state constables are authorized to carry firearms as follows:

1. Revolvers and pistols in .38 caliber, .357 caliber, 9 mm, .40 caliber, .45 caliber;
2. Shotguns in 12-gauge with ammunition approved by the assisted agency and only when approved by the assisted agency.

F. State constables are not authorized to carry handguns unless approved firearms training has been certified to SLED by an instructor certified by the Criminal Justice Academy, reporting firearm make, model, caliber and serial number for each specific handgun carried or used. The constable is authorized to carry only those firearms so certified to SLED.

G. State constables are not authorized to carry or use shotguns unless approved shotgun training has been certified to SLED by a criminal justice academy certified instructor reporting the make and model of each type shotgun with which the constable was trained. The constable is authorized to carry or use only those makes and models of shotguns so certified to SLED.

H. Firearms carried by state constables must be concealed from public view unless the state constable is wearing an approved uniform.

I. Firearms other than those specifically approved herein may be carried only with written permission from the chief of SLED.

SECTION VI: CREDENTIALS

A. State constables are prohibited from using credentials, identification documents or badges except as approved herein and must have SLED-issued identification cards on their persons when performing a law enforcement function.

B. When requested, a state constable must identify himself by showing his SLED-issued identification card. Mere display of a badge does not constitute proof of identity.

SECTION VII: UNIFORM

Public and officer safety is best served when uniformed law enforcement officers are immediately recognizable to the public as law enforcement officers. Such recognition is gained by uniformity in dress, professional appearance and demeanor. Issues of training, experience, and knowledge of departmental policies, procedures and practices demand that state constables be immediately identifiable to others as state constables. This policy is intended to ensure, to the maximum extent possible, the safety of state constables, public law enforcement officers and members of the public by minimizing risks of constables being inadvertently exposed to situations for which they have not received adequate training and have minimal experience. Such readily identifiable uniforms are particularly necessary at critical incident and other emergency scenes. It is also designed to generate maximum public and law enforcement confidence and respect in the state constable program by allowing constables who present a professional image to be identified as part of the program.

A. Group III state constables are not authorized to wear a uniform or uniform accessories except as described herein and except when working assignments approved by SLED, or when attending official meetings and functions of state constable associations, or official training. No other uniform or equipment is approved or authorized for use by state constables. All state constables participating in the same approved activity, duties or events must be dressed in matching uniform components as to type and color.

Insignia denoting or representing rank may not be worn or displayed on the uniform when participating in SLED-approved law enforcement activities.

All uniform components worn by Group III state constable while performing public law enforcement duties must bear the words "State Constable" and "Police" on the back of the uniform component. Uniform components worn for meetings, ceremonial occasions and training are exempt from this requirement.

1. Class A Uniform

a. The Class A uniform will consist of the following components:

1. Badge: Gold metal with black or blue lettering, of a style approved by SLED. The approved badge may bear the constable's name on the top banner, the South Carolina State Seal in the center with the words "State Constable" on the surrounding banner and the letters "S C" on the bottom banner. No other badge design is authorized.

2. Shirt: Midnight blue long-sleeved or short-sleeved standard uniform shirt with flap pockets or a midnight blue, grey or white long-sleeved or short-sleeved "polo" shirt. Except on "polo" shirts, SLED-approved South Carolina State Constable patches will be sewn to each shirt sleeve and must be centered on the end seam and ½-inch from the top of the shoulder seam. Except on "polo" shirts, a matching color tie or matching turtleneck or crew neck undershirt must be worn.

3. Undershirt: Must match the color of the uniform shirt; may be a turtleneck design and may bear the letters "S. C." in gold on the collar.

4. Tie: Must match the color of the uniform shirt; may be clip-on or breakaway type; must be worn unless a matching color turtleneck or crew neck undershirt is worn. A gold color tie-tack or tie-bar may be worn.

5. Pants: Matching color four or six-pocket standard uniform pants. Pants must be hemmed and may not be worn "bloused".

6. Insignia: The approved badge is worn over the left breast pocket. A gold nameplate bearing the words "Serving Since" and the year of commissioning may be worn over the right breast pocket. Gold insignia consisting of the letters "SC" may be worn centered one inch from the tip of each collar perpendicular to a line bisecting the angle of the collar. A whistle may be worn at the end of a gold keeper chain on the right side of the uniform with the chain attached to the right epaulet.

7. Shoes: Black shoes or boots.

8. Hat: Must be a midnight blue baseball-style cap or campaign-style hat with an embroidered or metal state constable badge, as described above, no larger than 2¼ inches from top to bottom. The campaign hat may be worn with a rain cover.

9. Other: Utility belts, holster and other equipment holders must be black. A constable is authorized to carry only the equipment he or she has been properly trained and is currently certified to use and which is approved by the agency being assisted by the constable. Constables may wear or carry the following items: ballistic vest, handcuff case and handcuffs, standard baton, flashlight, extra magazines or speed loaders and holders, protective gloves, pen, paper and radio. Tactical-style holsters and Tasers are not authorized. Pepper spray and batons may be carried only if the agency being assisted by the constable maintains documentation of completion of a CJA or SLED-approved training course in the use of such equipment. A constable is not authorized to have in possession any other law enforcement equipment unless approved specifically by SLED in writing to the constable.

2. Class B Uniform

a. The Class B uniform (BDU) will consist of the components approved as the Class A uniform except the following:

1. Shirt: Midnight blue two-pocket or four-pocket BDU shirt, or midnight blue tee-shirt, or midnight blue grey or white “polo” shirt with approved embroidered state constable badge over the left breast pocket. The BDU shirt may have an embroidered patch with the constable’s name in gold lettering over the right breast pocket and SLED-approved state constable patches on each sleeve.

2. Pants: Matching color BDU uniform pants.

3. Optional Equipment

a. A constable may wear the following additional items:

1. Coat: A black or navy blue nylon windbreaker-style jacket with the words “State Constable” and “Police” appearing on the back of the jacket.

2. Standard police uniform jacket with the approved state constable badge or embroidered badge worn over the left breast, approved state constable patches on each sleeve and the SLED-approved patch displaying the words “State Constable” and “Police” on the back of the jacket.

3. Rain gear with reflective qualities adequate for safety and visibility and the approved patch displaying the words “State Constable” and/or “Police” on the back of the jacket.

4. Sweater: A standard black or navy blue “commando”-style sweater with the approved state constable badge or embroidered badge on the left breast and a name tag on the right breast and approved state constable shoulder patches on both sleeves.

5. Vest: A reflective vest of mesh or other suitable material may be worn when working traffic assignments. The vest must have the words “State Constable”, with or without the word “Police” on the back of the vest.

SECTION VIII: REQUESTS FOR CONSTABLE ASSISTANCE

A. An agency request for constable assistance must be in writing, signed by the chief law enforcement officer of the agency or his designee, and received by SLED prior to the beginning of the period for which assistance is requested. Such requests may be for periods up to six (6) months of the calendar year. Such approvals do not extend past the last day of the period specifically approved in writing by SLED or after expiration of the constable’s training certification or commission. Such approvals may be renewed by written request of the designated official in the law enforcement agency.

B. The written request for assistance must include the full name and social security number of each requested constable and the dates for which such approval is sought.

C. The law enforcement agency must submit to SLED a completed Certificate of Insurance form furnished by SLED certifying that the state constable is included in the requesting agency’s tort liability insurance coverage and worker’s compensation plan while assisting.

D. SLED assumes no responsibility for supervision of state constables assisting other law enforcement agencies and no liability for actions by or arising from the activities of a state constable, whether or not participating in assistance approved by SLED. An agency requesting the assistance of a state constable is fully liable and responsible for the supervision of and actions of the constable and for injuries to, or damages resulting from actions by, the constable. State constables also assume personal liability for actions taken in connection with their commissions.